

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

BOBBY LEE VICKERY,
(TDCJ-CID #01258343)

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VS.

CIVIL ACTION G-07-0575

L. SMITH, *et al.*,

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Defendants.

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ORDER FOR MORE DEFINITE STATEMENT

Plaintiff, filing *pro se*, claims a violation of his civil rights. By **September 29, 2008**, Plaintiff must submit a more definite statement of the facts involved in this action. Label the response: "Plaintiff's More Definite Statement."

Plaintiff must answer each of the following questions:

(1) Where and when did the alleged violation of your constitutional rights occur?

(2) How were your civil rights violated?

(3) List the names of each defendant whom you claim violated your civil rights.

(4) For each of the defendants named above, describe how that defendant was

personally involved in the violation of your civil rights.

(5) Explain how you were denied access to the courts.

(6) For each separate incident of denial state:

- (a) The date of the occurrence.
- (b) What the defendant did and the name of the defendant.
- (c) What happened to you.

(7) What cases were you working on when you were denied access to the courts?

(8) What were the cause numbers, and in which courts, state or federal, were the cases pending or to be filed?

(9) For each case who were the parties and what were the basic claims?

(10) In which of those cases, if any, were you represented by counsel?

(11) Were you substantially delayed in obtaining judicial review of your claims as a result of the denial of access to the courts?

(12) If so, state with respect to each case how you were delayed, what was the cause of the delay, and what specific harm resulted from the delay. What is the status of those cases now?

(13) Did you lose the right to commence, prosecute, or appeal any suit as a result of the denial of access to the courts?

(14) If so, state with respect to each case how were you prevented from commencing, prosecuting, or appealing. What is the status of those cases now? How were you harmed?

(15) Have you regained access to your legal materials? If so, when? Explain.

(16) Did plaintiff file step 1 and step 2 grievances concerning each claim raised in this lawsuit?

(17) If not, explain.

(18) If so, plaintiff is ORDERED to submit the grievances to the court with the response to this questionnaire.

(19) Has any state or federal court ever ordered you to pay a fine or sanction?

If so, attach copies of all such orders or, for each such order, explain which court and what fine or sanction was imposed. Also, for each such order state whether you have paid the fine or complied with the other sanction imposed and explain when and how you paid the fine or otherwise complied.

(20) Has any state or federal court ever issued an order barring you from filing any other lawsuits until certain conditions were met, such as judicial approval or payment of fine or sanction? If so, attach copies of all such orders or, for each such order, explain which court and what condition was imposed. Also, for each such order state whether the condition was met and explain when and how you met the condition

or otherwise complied. Attach copies of any order of a judge approving of the filing of this lawsuit.

(21) Have any of your lawsuits been dismissed as frivolous, malicious, duplicative, successive or repetitive, including but not limited to, cases dismissed under 28 U.S.C. § 1915? If so, attach copies of all such orders of dismissal or, for each such lawsuit, explain which lawsuit(s), which court, and what kind of dismissal.

(22) List all the lawsuits, of any nature, you have ever filed in state and federal court, including the case number, full case name (including all parties), type of case, and the outcome.

(23) What is your social security number (if you have had or used more than one, list all of them) and your date of birth?

(24) State, in complete form, all names you have ever used or been known by, including any and all aliases. Separately list any and all names you have used for any lawsuits you have ever filed.

(25) List all TDCJ-CID identification numbers you have ever been assigned and all other jail and state or federal prison numbers ever assigned to you (for example, county jail SPN numbers, federal prison register numbers, etc.) For all numbers listed, identify the particular institution which assigned the number.

(26) Did plaintiff file step 1 and step 2 grievances concerning each claim raised in this lawsuit?

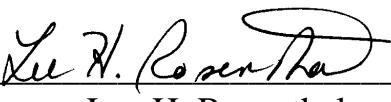
(27) If not, explain.

(28) If so, plaintiff is ORDERED to submit the grievances to the court with the response to this questionnaire.

Plaintiff must submit the responses by copying each question as posed by the court and writing the answer under each question, in numbered paragraphs corresponding to each question. Plaintiff must answer each question based on his personal knowledge of the facts. The plaintiff's responses must be complete and must not refer the court to information contained in other pleadings previously submitted. Plaintiff must also include at the end of his More Definite Statement the following affirmation: "I swear under penalty of perjury that these answers are true and correct to the best of my knowledge."

By September 29, 2008, plaintiff must respond to this order by submitting to the Clerk an original and one copy of his More Definite Statement. The Clerk will not issue summons until plaintiff's supplemental statement is evaluated by the court. Failure to comply as directed may result in the dismissal of this action.

SIGNED on July 31, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge